

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE 10/25/2016	(3) CONTACT/PHONE Guy Savage / 781-5011	
(4) SUBJECT Hearing to consider the extension of the Marijuana (Cannabis) Interim Zoning / Urgency Ordinance No. 3334 pursuant to Sections 25123, 25131, and 65858 of the California Government Code for a period of up to 22 months and 15 days. Ordinance No. 3334 places limits on the cultivation of marijuana and requires all cultivators to register with the County of San Luis Obispo; exempt from CEQA. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board hold a hearing to consider the extension of the Marijuana (Cannabis) Interim Zoning / Urgency Ordinance No. 3334 for a period of up to 22 months and 15 days from the expiration date (November 11, 2016) through and until September 19, 2018, by 4/5 vote.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 90) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input checked="" type="checkbox"/> 4/5 Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No		(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>July 26, 2016 (general direction).</u> <u>September 20, 2016 (initial adoption)</u>
(17) ADMINISTRATIVE OFFICE REVIEW This item was created by the Administrative Office.			
(18) SUPERVISOR DISTRICT(S) All Districts.			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Administrative Office / Guy Savage / 781-5011

DATE: 10/25/2016

SUBJECT: Hearing to consider the extension of the Marijuana (Cannabis) Interim Zoning / Urgency Ordinance No. 3334 pursuant to Sections 25123, 25131, and 65858 of the California Government Code for a period of up to 22 months and 15 days. Ordinance No. 3334 places limits on the cultivation of marijuana and requires all cultivators to register with the County of San Luis Obispo; exempt from CEQA. All Districts.

RECOMMENDATION

It is recommended that the Board hold a hearing to consider the extension of the Marijuana (Cannabis) Interim Zoning / Urgency Ordinance No. 3334 for a period of up to 22 months and 15 days from the expiration date (November 11, 2016) through and until September 19, 2018, by 4/5 vote.

DISCUSSION

Background

On September 20, 2016, your Board adopted Urgency Ordinance No. 3334 to place limits on the cultivation of marijuana (cannabis) and require all cultivators in unincorporated areas of San Luis Obispo County to register with the Planning and Building Department of the County of San Luis Obispo.

Discussion

The hearing today is to consider extending the marijuana cultivation interim zoning / urgency ordinance for a period of up to 22 months and 15 days from September 20, 2016 (Attachment 1). Your Board also has the option of considering extending the ordinance for a period of 10 months 15 days, then considering a final one year extension prior to expiration. Any action to extend the urgency ordinance requires a 4/5 vote of your Board.

The interim zoning / urgency ordinance adopted by your Board on September 20, 2016 (Attachment 2) limits cultivation to existing sites that had been established before August 23, 2016, while allowing new personal / caregiver cultivations to still be planted. The ordinance further prohibits existing cultivations from expanding their operations. Additional requirements in the ordinance (1) require fencing that will prevent plants from being viewable from County thoroughfares, (2) establish site setbacks from adjoining parcels, and (3) require cultivators to obtain and legally post a street address at all cultivation sites. The ordinance does not create a vested right to continue cultivation after the ordinance expires.

Based on the interim zoning / urgency ordinance adopted by your Board on September 20, 2016, Planning and Building Department staff have developed and made available the necessary forms (Attachment 3) allowing cultivators in the unincorporated areas of San Luis Obispo County to begin registering. The interim zoning / urgency ordinance requires all cultivators to register by November 19, 2016. To date, very few cultivators have registered.

Staff is also continuing its work on the permanent marijuana (cannabis) ordinance. The first public viewing of the permanent ordinance is scheduled for November 15, 2016 Board of Supervisors hearing. Following the November 15, 2016 meeting, a normal, full public input process will commence – including community meetings, input from the County of San Luis Obispo Planning Commission, and so on.

OTHER AGENCY INVOLVEMENT/IMPACT

Staff from the Administrative, Agricultural Commissioner, County Counsel, District Attorney, Planning and Building, and Sheriff / Coroner departments have participated in discussions and meetings about the development and implementation of the urgency ordinance.

FINANCIAL CONSIDERATIONS

This staff report was prepared under departments' current budgets. Registration costs are marginally covering staff costs related to registering cultivations with the Planning and Building department. Costs related to the development and implementation of a permanent ordinance will be discussed on November 15, 2016.

RESULTS

Adoption of the amendment to the interim zoning / urgency ordinance will extend the Urgency Ordinance for a period of up to 22 months and 15 days, through and until September 19, 2018.

This is consistent with providing a prosperous and well-governed, safe, healthy, and livable community.

ATTACHMENTS

Attachment 1 – Marijuana (Cannabis) Cultivation Interim Zoning / Urgency Ordinance Extension

Attachment 2 – September 20, 2016 - Marijuana (Cannabis) Cultivation Interim Zoning / Urgency Ordinance, No. 3334

Attachment 3 – Cultivator registration forms

Attachment 4 – Marijuana (Cannabis) cultivation CEQA exemption statement